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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,132	08/29/2008	Thomas Dillinger	026032-5109	6972
22428 7590 11/24/2009 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
NELSON JR, MILTON				
ART UNIT		PAPER NUMBER		
3636				
MAIL DATE		DELIVERY MODE		
11/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/593,132

**Applicant(s)**

DILLINGER, THOMAS

**Examiner**

Milton Nelson, Jr.

**Art Unit**

3636

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 4-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4, 7-11, 13, 15 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 12 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The objection to the abstract of the disclosure has been overcome by Applicant's amendment.

The objection to the substitute specification has been overcome by Applicant's amendment.

### ***Claim Rejections - 35 USC § 112***

The rejection of claims 3, 4, 5, 7 and 9 under 35 U.S.C. 112, second paragraph, has been overcome by Applicant's amendment.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Terracini (3223447).

Note the device (12), fixing bar (11), tolerance compensation member (20b and/or 21b), contact points (any points around the inner circumference of the tolerance

compensation member) between the fixing bar and the tolerance compensation member during displacement of the fixing bar relative to the device in the first direction, wherein the tolerance compensation member is configured such that movement of the tolerance compensation member in the second direction is counter to only a frictional force of the device acting on the tolerance compensation member, wherein the tolerance compensation member comprises a material with a low coefficient of friction where the compensation member contacts the fixing bar, wherein the device is a guide device, and further comprising another fixing bar (other 11).

Claims 1, 2, 4, 7-11, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gould (398893).

Note the device (G, D, H, F, E), fixing bar (H), tolerance compensation member (F), contact points (any points around the inner circumference of portions q of the tolerance compensation member) between the fixing bar and the tolerance compensation member during displacement of the fixing bar relative to the device in the first direction, wherein the tolerance compensation member is configured such that movement of the tolerance compensation member in the second direction is counter to only a frictional force of the device acting on the tolerance compensation member, wherein the tolerance compensation member comprises a material with a low coefficient of friction where the compensation member contacts the fixing bar, wherein the device is a guide device, and further comprising another fixing bar (C), basic body (G), wherein the tolerance compensation member is arranged displaceably in the recess in at least

the second direction, wherein the recess has a greater width (represented by rim r) than a width of the tolerance compensation member in the second direction such that the tolerance compensation member can be displaced in the basic body of the device, central recess (center of F), plurality of inwardly projecting projections (circumferential portions of q as they project from the center circumferential point of q).

### ***Allowable Subject Matter***

Claims 5, 6, 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Amendment/Arguments***

Applicant's response filed July 24, 2009 has been fully considered. Remaining issues are described in the above sections. Applicant has cancelled claim 3. Arguments regarding the previously applied prior art are now moot in view of new grounds of rejection, as necessitated by Applicants' amendment.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. The examiner can normally be reached on Mon-Thurs, and alternate Fridays, 5:30-3:00 EST.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Milton Nelson, Jr./  
Primary Examiner, Art Unit 3636

mn  
November 22, 2009